

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE: INTERCONTINENTAL § Lead Case No. 4:19-cv-01460
TERMINALS COMPANY LLC §
DEER PARK FIRE LITIGATION §

JOINT STATUS REPORT

In advance of the January 14, 2022 status conference, Plaintiffs, Intercontinental Terminals Company LLC (“ITC”), NSK Corporation, and NSK Ltd. submit this Joint Status Report to (1) update the Court on recent developments and progress in these proceedings since the last status conference, and (2) identify issues to be addressed at the status conference and pending motions presently before the Court.

A. Plaintiff Fact Sheets.

ITC, NSK Corporation, and NSK Ltd. (collectively, “Defendants”) are nearing completion of their review of Plaintiff fact sheets, including numerous fact sheets and updated fact sheets received just before year end, for purposes of the dismissal submission due to the Court on January 21, 2022. Defendants will provide their lists of Plaintiffs who have either not provided a fact sheet or failed to provide substantive information in their fact sheet to Co-Lead Counsel for Plaintiffs by the end of the day on January 14, 2022.

B. Written Discovery and Document Production.

Defendants have continued making document productions. ITC anticipates rolling productions to continue through January, and NSK Ltd. anticipates rolling productions to continue through February. In addition, ITC served supplemental discovery on the class

representatives in the *Bryant* matter, with responses to that discovery received in early January. Defendants are in the process of reviewing those responses and anticipate scheduling class representative depositions in the first quarter of this year.

C. ITC Corporate Representative Deposition

On December 14, 2021, Co-Lead Counsel for Plaintiffs issued a Rule 30(b)(6) deposition notice to ITC, requesting that ITC present a corporate representative on 15 different topics. Since then, Plaintiffs, through Co-Lead Counsel, and ITC, through the undersigned, have engaged in numerous meet and confer sessions regarding the topics and have reached agreement in principle on the scope of those topics. Depositions to cover the topics are set to begin on January 26.

D. Pending Motions.

As of the date of this filing, the following motions remain pending:

- 1. ITC Motion for Summary Judgment Regarding Claims under the Oil Pollution Act**
Motion (Dkt. 395)
Report and Recommendation (Dkt. 890); awaiting decision from district judge
- 2. ITC Motion to Compel Arbitration, to Sever, and to Dismiss**
Motion (Dkt. 589)
Report and Recommendation (Dkt. 854); awaiting decision from district judge
- 3. Petredec Opposed Motion for Leave to File Reply in Support of OPA Plaintiffs Objections to Report and Recommendation**
Motion (Dkt. 943)
ITC Response in Opposition to Motion (Dkt. 970)
- 4. Vopak Unopposed Motion for Leave to File Amended Complaint**
Motion (Dkt. 962)

Dated: January 14, 2022

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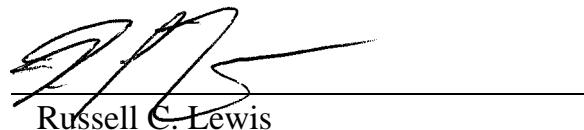
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CERTIFICATE OF SERVICE

I certify that on January 14, 2022, a copy of this document has been served on all counsel of record in the above-captioned cases by electronic mail.



Russell C. Lewis